

AMENDED IN ASSEMBLY MARCH 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2316

Introduced by Assembly Member Mazzoni
(Coauthors: Assembly Members Kuehl, Longville, and
Strom-Martin)

February 24, 2000

An act to add Chapter 17 (commencing with Section 7440) to Title 7 of Part 3 of the Penal Code, relating to children of incarcerated parents, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2316, as amended, Mazzoni. Children of incarcerated parents: study.

Existing law establishes the California Institution for Women for the punishment, treatment, supervision, custody, and control of females convicted of felonies. The Department of Corrections is required to establish and implement a community treatment program for women sentenced to state prison who have one or more children under the age of 6 years. In operating the program, the department is required to make its prime concern the establishment of a safe and wholesome environment for the participating children.

~~This bill would authorize a research project to study the children of 11,600 female prisoners. The bill would require the Department of Corrections to cooperate in conducting a survey of these women to determine which of them have children and to gather from the women who have children,~~

~~specified information about their children relating to the children's residence, caregivers, source of support, school level, medical problems, involvement, if any, with the criminal justice system, and frequency of prison visits. The research project would track the development of a subgroup of these children to determine the risk factors and public costs associated with this group of children. By increasing the duties of local agencies, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

This bill would require the California Research Bureau (CRB) in the California State Library, pursuant to specified guidelines, to conduct a study of the children of parents who are incarcerated in state prisons.

The bill would appropriate the sum of \$99,000 from the General Fund to the California Research Bureau for the purpose of implementing its provisions.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 17 (commencing with Section
2 7440) is added to Title 7 of Part 3 of the Penal Code, to
3 read:
4



CHAPTER 17. CHILDREN OF INCARCERATED PARENTS

~~7440. A research project to study children of incarcerated parents shall be conducted in cooperation with the Department of Corrections.~~

~~7441. (a) The research project shall begin with a survey of 11,600 women imprisoned in a California state prison. The survey shall begin by determining which of these women have children and the women who are determined to have children shall be required to provide the following information:~~

~~(1) The number, age, name, and current address of each of her children.~~

~~(2) The legal status or relation of each of her children's caregiver, including but not limited to a relative, a friend, or a foster caregiver, and to report whether each child lives with one or more of his or her siblings.~~

~~(3) The source of each of her children's support, including but not limited to a father or other relative or public assistance.~~

~~(4) Whether each child is in school and the grade level of each child.~~

~~(5) The existence of any serious medical problem of each child.~~

~~(6) Whether any of the children have been involved with the criminal justice system.~~

~~(7) How often do her children visit her in prison.~~

~~(b) The survey shall include appropriate safeguards to ensure the confidentiality of the information disclosed by the women pursuant to this section.~~

~~7442. After the survey in Section 7441 is completed, a group of children from nine counties shall be selected from the children of the women who participated in the survey. This group shall be tracked for the purpose of determining the risk factors and public costs associated with this group of children.~~

~~SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school~~

~~districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

77440. *The California Research Bureau (CRB) in the California State Library shall conduct a study of the children of parents who are incarcerated in state prisons. The CRB shall design and complete the study, surveying selected state prisoners in cooperation with the Department of Corrections, and reviewing the records of local agencies to obtain outcome information about a sample of prisoners' children and a control sample.*

77441. *The purpose of the survey of state prisoners is to determine how many have children and to gather basic information about the children to include the following variables, among others:*

(a) *Number.*

(b) *Age.*

(c) *Siblings.*

(d) *Location.*

(e) *Caregiver.*

(f) *Grade in school.*

(g) *Medical issues.*

(h) *Possible delinquency.*

(i) *Visitation.*

77442. *The purpose of the review of local agency records, in a representative sample of California counties, is to obtain outcome information about the status of a sample of the children of incarcerated parents. This information will be of value in establishing public costs associated with the care these children and in determining any special needs and problems that targeted public programs might meet. The review shall be undertaken by the CRB.*

77443. *The confidentiality of records shall be maintained.*

77444. *The CRB shall convene an advisory group to assist in designing and administering the study. Any costs*

1 *associated with convening the advisory group are to be*
2 *paid for by funds appropriated pursuant to this act.*
3 *SEC. 2. The amount of ninety-nine thousand dollars*
4 *(\$99,000) is hereby appropriated from the General Fund*
5 *to the California Research Bureau for the purpose of*
6 *implementing Section 7440 of the Penal Code.*

